

IV. Claims 25-31; directed toward kits comprising non-complexed heat shock proteins and an immunosuppressive agent, classified in class 530, subclass 350.

In response, Applicants hereby provisionally elect Group I, claims 1-3 and 6-21, directed to treatments using heat shock protein-antigen complexes, classified in class 424, subclass 184.1, with traverse.

Applicants respectfully traverse the Restriction Requirement. Specifically, Applicants request a modification of the requirement so that Groups I (Claims 1-3 and 6-21) and II (Claims 4-20) be combined and examined together in the instant application. For the reasons detailed below, the subject matter of these claims merits examination in a single application.

Group I and Group II relate to methods for the prevention and/or treatment of graft rejection using heat shock proteins, either as heat shock proteins complexed to an antigenic molecule (Group I) or as heat shock proteins not complexed to an antigenic molecule (Group II). Since both the methods of Group I and Group II relate to treatment of graft rejection with heat shock proteins, Applicants assert that, pursuant to M.P.E.P. § 803, the subject matter of claims 1-21 can be examined together in a single application without imposing a serious burden on the Examiner. The M.P.E.P. § 803 (Seventh Edition, Rev. 1, July 2000) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Specifically, Applicants submit that a search of the prior art for either Group I or Group II would necessarily yield any relevant prior art for the other Group. Applicants submit therefore, that, according to M.P.E.P. § 803, claims 1-21 should be examined together, because the search and examination of these claims together would not seriously burden the Examiner.

Applicants request a further modification of the requirement so that Groups III (Claims 22-24 and 27-31) and IV (Claims 25-31) would be combined and examined together. For similar reasons as discussed above, the subject matter of these claims merits examination in a single application.

Specifically, Group III is directed to kits for use in treating graft rejection comprising in a container a composition comprising a purified heat shock protein complexed with an antigenic molecule and a composition comprising an immunosuppressive agent, while Group IV is directed to kits for use in treating graft rejection comprising in a container a composition comprising a purified heat shock protein not complexed to an antigenic molecule, and a composition comprising an immunosuppressive agent. Applicants submit therefore, that, according to M.P.E.P. § 803, claims 22-31 should be examined together, because the search and examination of these claims would not seriously burden the Examiner.

Attorneys for Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

CONCLUSION

Applicants respectfully request that the present remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Enclosure